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Attorneys for Defendants LIBERTY UNION  
 HIGH SCHOOL DISTRICT, et al.

Attorneys for Plaintiffs SARAH  
 UNVERFERTH, et al.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SARAH UNVERFERTH and P.C., a minor,  
 by and through his guardian ad litem SARAH  
 UNVERFERTH,

Plaintiffs,

v.

LIBERTY UNION HIGH SCHOOL  
 DISTRICT, ERIC VOLTA, JOHN SAYLOR,  
 PATRICK WALSH, JENNIFER KOETT,  
 ILENE FOSTER, and SANDRA  
 GUARDADO, and DOES 1-30,

Defendants.

Case No. 3:15-cv-01721-EMC

**JOINT STIPULATION AND [~~PROPOSED~~]  
 ORDER TO (1) EXTEND TIME TO  
 COMPLETE MEDIATION AND (2)  
 CONTINUE FURTHER STATUS  
 CONFERENCE**

Judge: Hon. Edward M. Chen

**STIPULATION**

Plaintiffs SARAH UNVERFERTH and P.C., a minor, by and through his guardian ad litem  
 Sarah Unverferth (collectively "Plaintiffs") and Defendants LIBERTY UNION HIGH SCHOOL  
 DISTRICT, ERIC VOLTA, JOHN SAYLOR, PATRICK WALSH, JENNIFER KOETT, ILENE  
 FOSTER, and SANDRA GUARDADO (collectively "Defendants"), by and through their counsel,  
 hereby stipulate as follows:

WHEREAS, the Court referred this matter to ADR for mediation, and initially ordered the  
 parties to complete mediation by March 8, 2016. [Doc. 59, 60];

WHEREAS, the Court, pursuant to the stipulation of the parties, continued the deadline to

1 complete to mediation to June 22, 2016 and set the matter for post-mediation Further Status  
2 Conference on July 21, 2016. [Doc. 63];

3 WHEREAS, mediation in this matter is currently scheduled for June 9, 2016;

4 WHEREAS, the crux of Plaintiff P.C.'s damages claim in this action is founded upon the  
5 contention that he has suffered physical injuries as well as significant psychological and emotional  
6 harm as a result of Defendants' conduct;

7 WHEREAS, with respect to Plaintiff P.C.'s damages claim, Defendants, who also contest all  
8 other aspects of Plaintiffs' claims, including liability and causation, contend, among other things, that  
9 Plaintiff P.C. did not suffer the alleged injuries for which he now seeks recovery, and/or that such  
10 alleged injuries/conditions were pre-existing and/or were otherwise not caused by any unlawful,  
11 wrongful, negligent, or other conduct by Defendants sufficient to give rise to a finding of liability  
12 against, or warrant recovery from, Defendants for such injuries.

13 WHEREAS, the Parties, in a good faith effort to facilitate discovery and prepare for mediation,  
14 have met and conferred regarding, and agreed upon, the scope of Defendants' discovery relating to  
15 Plaintiff P.C.'s mental health history and records;

16 WHEREAS, Plaintiff was unable to provide Defendants with the HIPAA releases required to  
17 obtain such records until the last week of March 2016 and the first week of April 2016;

18 WHEREAS, Defendants issued and served subpoenas on Plaintiff's mental health providers  
19 within a few days of receiving the HIPAA releases;

20 WHEREAS, Defendants have received records from the majority of Plaintiff P.C.'s mental  
21 health providers, they have been unable – despite Plaintiffs having provided all requested  
22 authorizations and despite Defendants' repeated efforts to procure cooperation and compliance with  
23 the subpoenas from the mental health providers – to obtain records from the remaining providers  
24 (including the primary therapist who treated Plaintiff both before and after the subject incident, and  
25 the primary counseling facility that provided Plaintiff with individual and family counseling following  
26 the subject incident);

27 WHEREAS, the Parties anticipate that Defendants will need to move the Court for an order  
28 compelling the remaining providers to produce the outstanding records subpoenaed, but recognize that

1 there is insufficient time to obtain such order (including meeting and conferring and submitting a joint  
 2 letter brief to the court; and the filing of a properly noticed motion seeking orders compelling the  
 3 production of records from Plaintiff's providers), enforce the order, and then review and analyze the  
 4 records prior to the present mediation deadline;

5 WHEREAS, the Parties agree that the outstanding mental health records contain information  
 6 necessary to engage in a meaningful and productive mediation, and are essential to the parties and the  
 7 mediator's ability to evaluate Plaintiffs' claims, particularly concerning the issues of causation and  
 8 damages;

9 WHEREAS, Plaintiffs have been diligently pursuing discovery, but have had problems with a  
 10 number of Defendants' responses to Plaintiffs' Requests for Documents and Special Interrogatories;

11 WHEREAS, Plaintiffs have met and conferred with Defendants regarding their concerns about  
 12 Defendants' responses, and believe there is a way forward, but will not have the information they need  
 13 in time for the currently scheduled mediation;

14 WHEREAS, in light of the unanticipated further delay in obtaining Plaintiff P.C.'s mental  
 15 health records and the above-mentioned discovery issues, the Parties also believe and agree that there  
 16 exists good cause to continue the mediation deadline by 90 days, to allow the parties sufficient time to  
 17 take the steps necessary to compel, obtain, and review the outstanding records, and coordinate among  
 18 the parties and mediator to set a new mediation date;

19 WHEREAS, the Parties conferred with the mediator, Greta Schnetzler, and informed her of the  
 20 present circumstances, and said mediator stated that she was supportive of the requested continuance;

21 IT IS HEREBY STIPULATED, by and among the Parties to this action, that, based on the  
 22 foregoing, the Parties' June 22, 2016 deadline to complete mediation shall be **continued by 90 days**  
 23 and the July 21, 2016 status conference shall be vacated and rescheduled accordingly.

24 ***IT IS SO STIPULATED.***

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1 Dated: May 27, 2016

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

2  
3 By: /s/ STEPHANIE Y. WU

Stephanie Y. Wu

4 Attorneys for Defendants LIBERTY UNION  
HIGH SCHOOL DISTRICT, ERIC VOLTA,  
5 JOHN SAYLOR, PATRICK WALSH,  
JENNIFER KOETT, ILENE FOSTER, and  
6 SANDRA GUARDADO

7 Dated: May 27, 2016

LAW OFFICES OF TODD BOLEY

8 By: /s/ JUSTIN P. YOUNG

Justin P. Young

9 Attorneys for Plaintiffs SARAH  
10 UNVERFERTH and P.C., a minor, by and  
11 through his guardian ad litem SARAH  
UNVERFERTH  
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[~~PROPOSED~~]

**ORDER**

Pursuant to the foregoing Stipulation of the Parties, it is hereby ordered that:

1. The Parties' June 22, 2016 deadline to complete **Mediation** is continued by 90 days to September 20, 2016, and

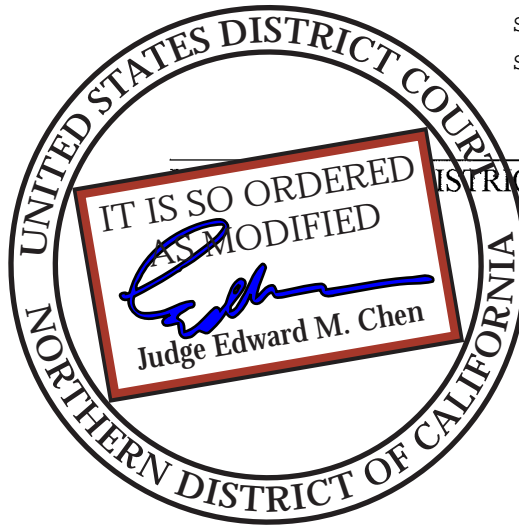
2. The July 21, 2016 **Further Status Conference** is continued to October 6, 2016, at 10:30 a.m. Joint Status Report due September 29, 2016.

**IT IS SO ORDERED.**

June 3

Dated: ~~May~~ \_\_\_, 2016

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DISTRICT COURT JUDGE